



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 20 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

John Dinnella
Plant Manager
Meyer Steel Drum, Inc.
3201 South Millard Avenue
Chicago, Illinois 60623

Dear Mr. Dinnella:

This is to advise you that the U.S. Environmental Protection Agency has determined that Meyer Steel Drum's facility at 3201 South Millard Avenue, Chicago, Illinois (facility) is in violation of the Clean Air Act (CAA) and associated state pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health welfare. To attain and maintain these standards, each state is required to develop an implementation plan that includes a permitting program. Meyer was issued Construction Permit Application No. 06030011 under this program by the Illinois Environmental Protection Agency on June 5, 2006. Among other things, this permit had requirements for monitoring, work practices and recordkeeping.

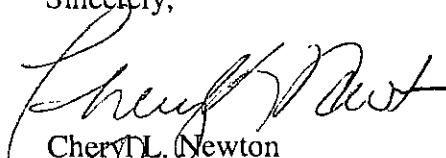
The EPA finds that the facility has violated the above listed permit requirements as they apply to Meyer's Construction Permit Application No. 06030011. Since Meyer violated its construction permit, you have also violated Title I of the CAA which requires compliance with terms and conditions of construction permits. Additionally, Meyer violated Section 114 of the CAA by not providing all responsive documentation to a Section 114 Information Request issued by EPA.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Virginia Palmer. You may call her at 312.353.2089 if you wish to request a conference. The EPA hopes that this NOV/FOV will encourage Meyer's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division

cc: Ray Pilapil, Illinois EPA

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Meyer Steel Drum
Chicago, Illinois**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. § 7401 et seq

**NOTICE OF VIOLATION AND
FINDING OF VIOLATION**

EPA-5-12-IL-02

NOTICE OF VIOLATION AND FINDING OF VIOLATION

Meyer Steel Drum (Meyer) owns and operates a steel drum reconditioning facility at 3201 South Millard Avenue, Chicago, Illinois (facility). The facility has various emissions units and air emission control equipment, including a regenerative thermal oxidizer (RTO).

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV) to notify you that we have found monitoring and recordkeeping deficiencies in violation of a construction permit issued by the Illinois Environmental Protection Agency (IEPA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. Section 110(a)(1) of the Act, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to the EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the Act, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon the EPA approval, SIP requirements are federally enforceable under Section 113. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP, is a requirement of the SIP, and is federally enforceable under Section 113.

2. On May 31, 1972, the EPA approved 35 Illinois Administrative Code (IAC) Part 201, "Permits and General Conditions," as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10,862 (May 31, 1972). Since then, the EPA has approved several revisions of 35 IAC Part 201 into the federally enforceable SIP.
3. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.
4. Section 114(a) of the CAA, 42 U.S.C. § 114(a), empowers the EPA to seek information for "carrying out any provision" of the Act.
5. IEPA issued Construction Permit Application No. 06030011 to the facility on June 5, 2006, pursuant to 35 IAC Part 201. The permit contains the following conditions:
 - a. Condition 5a.iii. states that "The Permittee shall operate the oxidizer system in accordance with written procedures developed and maintained for the operation of the system...A copy of these procedures shall be kept in the control room for the oxidizer system."
 - b. Condition 5b. states that "The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, inspect and perform periodic maintenance on the oxidizer, including the capture ductwork to keep the system in proper working condition."
 - c. Condition 6a. states that "The oxidizer unit shall be equipped with a continuous monitoring device for combustion chamber temperature. This device shall be installed, calibrated, maintained, according to vendor's specifications, and operated at all times that the oxidizer is in use. This device shall display current temperature and keeps records of average data on an hourly basis."
 - d. Condition 6b. states that "The Permittee shall keep a log for the operation and maintenance of this device."
 - e. Condition 8b. states that "The Permittee shall maintain the following records each day; i. An operating log for the operation of the oxidizer system and affected units. ii. A record of operating time for the capture ductwork, oxidizer, monitoring device, and the affected units."
 - f. Condition 8c. states that "The Permittee shall keep a maintenance log for the capture system and oxidizer detailing all routine and non-routine maintenance performed, including dates and duration of any outages."
 - g. Condition 8d. states that "The Permittee shall keep monthly records of the estimated reduction in VOM emissions achieved by the oxidizer system with supporting calculations, based on records kept pursuant to the CAAPP permit."
 - h. Condition 9 states that "All records required by this permit shall be maintained for five years at the source (or after the source is closed, at another site approved by the Illinois EPA) and shall be readily available to the Illinois EPA for inspection and copying upon request."

6. On July 9, 2010, the EPA conducted an on-site inspection at the facility. Facility personnel stated during the opening conference that the RTO runs whenever the process is on, although there is not a requirement for Meyer to do so. On August 18, 2010, the EPA finalized an Inspection Report based on the July 9, 2010 Inspection. On September 22, 2010, the EPA provided Meyer with a copy of the report via email.
7. On November 19, 2010, the EPA sent a Section 114 Information Request dated November 18, 2010, to Meyer. Among other things, the EPA asked for:
 - a. Question 15: "Operating records for the RTO, showing how many hours each day the RTO ran, from the date of startup of the RTO to the present"; and
 - b. Question 16: "Copies of records that demonstrate the daily temperature and natural gas usage of the RTO from the date of startup to the present."
8. In Meyer's January 31, 2011, response to the Section 114 Information Request, Meyer responded as follows:
 - a. Question 15: "MSD at one point had a software program capable of tracking some aspects of the RTO operation, but that software became corrupted some time ago, and MSD no longer uses it. As such, Meyer has no recoverable records. Please note that MSD has no obligation under its permits to record data relating to the hours per day that the RTO has run. However, the RTO operates on a preprogrammed protocol and has internal control. The RTO is started approximately one hour before production begins and shutdown is initiated at the end of production. See also 'Normal Startup Procedure' in Folder 15."
 - b. Question 16: "MSD at one point had a software program capable of tracking some aspects of the RTO operation, but that software became corrupted some time ago, and MSD no longer uses it. As such, MSD has no recoverable records. Please note that MSD has no obligation under its permits to record data relating to daily temperature or natural gas usage. In addition, the RTO does not have a separately metered gas supply. MSD ensures that the appropriate temperature is maintained by operating the RTO according to a preprogrammed protocol. The RTO is started approximately one hour before production begins and shutdown is initiated at the end of production. See also, 'Normal Startup Procedure' in Folder 15."
9. On April 5, 2011, the EPA conducted a second on-site inspection at the facility. The EPA reviewed a copy of the RTO operation manual, which was located in the office of John Dinnella, the Plant Manager. The RTO operation manual was not located in the RTO control room.
10. By failing to keep the written procedures for operation of the RTO in the control room for the RTO, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 5a.iii.
11. Meyer did not perform periodic maintenance on the RTO to keep the system in proper working condition, including but not limited to, failing to correct or replace its software system to keep records of average data on an hourly basis.

12. By failing to perform periodic maintenance on the RTO to keep the system in proper working condition, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 5b.
13. Meyer did not have its RTO equipped and maintained with a continuous monitoring device for combustion chamber temperature that kept records of average data on an hourly basis.
14. By failing to have its RTO equipped and maintained with a continuous monitoring device for combustion chamber temperature that kept records of average data on an hourly basis, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 6a.
15. During the April 5, 2011 inspection, the EPA inspectors asked about records related to the RTO. Mr. Dinnella informed the EPA inspectors that he does not keep any records relating to the RTO.
16. By failing to keep a log for the operation and maintenance of the RTO's continuous monitoring device, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 6b.
17. Meyer did not maintain records each day of an operating log for the operation of the oxidizer system and affected units, and a record of operating time for the capture ductwork, oxidizer, monitoring device and the affected units.
18. By failing to maintain records each day of an operating log for the operation of the oxidizer system and affected units, and a record of operating time for the capture ductwork, oxidizer, monitoring device and the affected units, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 8b.
19. During the April 5, 2011 inspection, the EPA inspectors asked about maintenance on the RTO. Mr. Dinnella informed the EPA inspectors that he writes work orders when maintenance is needed but does not keep a log of work performed just on the RTO. The EPA inspectors asked about a log of maintenance outages for the RTO and Mr. Dinnella informed them that he did not keep one.
20. By failing to keep a maintenance log for the capture system and oxidizer detailing all routine and non-routine maintenance performed, including dates and duration of any outages, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 8c.
21. Meyer did not keep monthly records of the estimated reduction in VOM emissions achieved by the oxidizer system with supporting calculations, based on records kept pursuant to the CAAPP permit.

22. By failing to keep monthly records of the estimated reduction in VOM emissions achieved by the oxidizer system with supporting calculations, based on records kept pursuant to the CAAPP permit, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 8d.
23. Meyer did not keep all records required by Construction Permit Application No. 06030011 for five years and have those records readily available for inspection and copying upon request.
24. By failing to keep all records required by Construction Permit Application No. 06030011 for five years and have those records readily available for inspection and copying upon request, Meyer violated the terms of Construction Permit Application No. 06030011, Condition 9.
25. During the EPA's April 5, 2011 second on-site inspection, the EPA requested and received copies of the RTO temperature records that Meyer stated were available. The records appeared to cover the following time periods: December 3, 2007 – January 7, 2008; January 7, 2008 – February 10, 2008; May 13, 2008 – June 18, 2008; June 18, 2008 – July 12, 2008; August 26, 2008 – October 5, 2008; September 13, 2008 – October 14, 2008; October 11, 2008 – December 20, 2008; and August 10, 2009 – March 8, 2009. However, these records were labeled showing years ranging from 1999 – 2000, with those years crossed out by hand and the 2007 – 2009 dates written in by hand, so it is unclear if these records were corrupted or not. These records also do not appear to cover all of the time periods when the RTO was likely operated.
26. By not providing the RTO temperature records described in Paragraph 7 in its January 31, 2011 response to the EPA's November 18, 2010, Section 114 Information Request, Meyer violated Section 114 of the CAA.

Date

12/22/11

Cheryl L. Newton

Director

Air and Radiation Division

CERTIFICATE OF MAILING

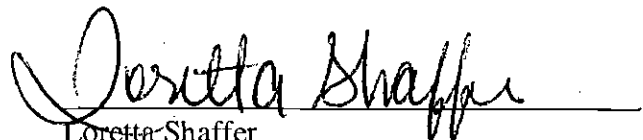
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-12-IL-02, by Certified Mail, Return Receipt Requested, to:

John Dinnella, Plant Manager
Meyer Steel Drum
3201 South Millard Avenue
Chicago, Illinois 60623

I also certify that I sent copies of the Notice and Finding of Violation by first-class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62702

On the 23 day of December 2011.



Loretta Shaffer
Administrative Professional Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7673 8927